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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDERSON KILL & OLICK, P.C.,  Plaintiff,  - against -  BRAY & GILLESPIE, INC.; BRAY & GILLESPIE MANAGEMENT, LLC; CHARLES A. BRAY and JOSEPH GILLESPIE,  Defendants.
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Index No. 1:08-cv-4565 (AKH) (RLE)

Electronically Filed

**MOTION TO FILE UNDER SEAL**

Plaintiff Anderson Kill & Olick, P.C., ("AKO") moves this Court for an order sealing an exhibit in this action containing unredacted copies of AKO's invoices rendered to Defendants (the "Invoices"), and as well sealing the instant motion, and any order issued determining this motion.

The Invoices contain narrative descriptions that may be privileges vis-à-vis third-parties, and hourly rates that AKO maintains as proprietary information. Unredacted invoices are being supplied to defendants. The sealing order is sought to prevent third-parties from accessing the information.

Federal Rule of Civil Procedure 26(c) allows the court to enter a protective order for good cause shown. A protective order must only extend to "properly demarcated categor[ies] of legitimately confidential information." *Cincinnati Ins. Co.*, 178

F.3d at 946. In support of its motion, AKO submits that, while sealing orders are disfavored and require a showing of “extraordinary circumstance or compelling need”, *Video Software Dealers Association. v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2<sup>nd</sup> Cir. 1994), it is appropriate to grant such an order in the instant case.

Courts in this circuit allow pleadings to be filed under seal when the interests in sealing the document outweigh the interests in allowing public access to the document. *Hirschfeld v. Stone*, 193 F.R.D. 175, 193 (S.D.N.Y. 2000). Such countervailing interests include situations where information is extremely sensitive or where the disclosure of the documents may lead to harm to the party seeking to seal the document. *Id.*

### **CONCLUSION**

For the reasons stated herein, the motion to seal the Invoices that are the subject of this proceeding should be granted.

Dated: July 1, 2008  
New York, New York

Respectfully submitted,

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